



TO: KIM LUNDY SERVICE OF PROCESS
WALMART INC.
702 SW 8TH ST
BENTONVILLE, AR 72716-6209

RE: **Process Served in Texas**
FOR: Wal-Mart Stores Texas, LLC (Domestic State: DE)

**Service of Process
Transmittal**

05/08/2020
CT Log Number 537642358

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Crabtree Patsy, Pltf. vs. Wal-Mart Stores Texas, LLC, Dft.

DOCUMENT(S) SERVED: -

COURT/AGENCY: None Specified
Case # 37343

NATURE OF ACTION: Personal Injury - Failure to Maintain Premises in a Safe Condition

ON WHOM PROCESS WAS SERVED: C T Corporation System, Dallas, TX

DATE AND HOUR OF SERVICE: By Process Server on 05/08/2020 at 14:37

JURISDICTION SERVED : Texas

APPEARANCE OR ANSWER DUE: None Specified

ATTORNEY(S) / SENDER(S): None Specified

ACTION ITEMS: CT has retained the current log, Retain Date: 05/08/2020, Expected Purge Date:
05/13/2020

Image SOP

Email Notification, KIM LUNDY SERVICE OF PROCESS ctlawsuits@walmartlegal.com

SIGNED:
ADDRESS: C T Corporation System
1999 Bryan St Ste 900
Dallas, TX 75201-3140

For Questions: 877-564-7529
MajorAccountTeam2@wolterskluwer.com

EXHIBIT A

Page 1 of 1 / MD

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.



PROCESS SERVER DELIVERY DETAILS

Date: Fri, May 8, 2020

Server Name: David Shepherd

Location: TX, TX-DAL

Entity Served	WAL-MART STORES TEXAS, LLC
Agent Name	C T CORPORATION SYSTEM
Case Number	37343
Jurisdiction	TX-DAL



CLERK OF THE COURT
TAMMY BRAUNER
100 E. MAIN, SUITE 304
BRENHAM, TEXAS 77833



ATTORNEY FOR PLAINTIFF
JOHN DASPIT
440 LOUISIANA STREET, SUITE 1400
HOUSTON, TEXAS 77002

RETURN TO
DISTRICT CLERK

CITATION

THE STATE OF TEXAS

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

WAL-MART STORES TEXAS, LLC, BY SERVING ITS REGISTERED AGENT, CT CORPORATION SYSTEM, 1999 BRYAN STREET, STE. 900, DALLAS, TX 75201

Defendant: Greetings

You are hereby commanded to appear by filing a written answer to the PLAINTIFFS ORIGINAL PETITION AND FIRST SET OF DISCOVERY at or before ten o'clock A.M. of the Monday next following the expiration of twenty (20) days after the date of service of this citation before the Honorable 335th Judicial District Court of Washington County, Texas at the Courthouse of said County in Brenham, Texas. Said Petition was filed on the 17th day of March, 2020, in this case, numbered 37343 on the docket of said court, and styled,

PATSY CRABTREE, Plaintiff

VS

WAL-MART STORES TEXAS, LLC, Defendant

The nature of Plaintiff's demand is set out and shown by a true and correct copy of PLAINTIFFS ORIGINAL PETITION AND FIRST SET OF DISCOVERY, accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of the law, and the mandates hereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at office this the 18th day of March, 2020.

TAMMY BRAUNER

District Clerk

Washington County, Texas

By

MARISSA DANIELS, Deputy

CLERK OF THE COURT
TAMMY BRAUNER
100 E. MAIN, SUITE 304
BRENHAM, TEXAS 77833



ATTORNEY FOR PLAINTIFF
JOHN DASPIK
440 LOUISIANA STREET, SUITE 1400
HOUSTON, TEXAS 77002

CITATION

THE STATE OF TEXAS

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

WAL-MART STORES TEXAS, LLC, BY SERVING ITS REGISTERED AGENT, CT CORPORATION SYSTEM, 1999 BRYAN STREET, STE. 900, DALLAS, TX 75201

Defendant: Greetings

You are hereby commanded to appear by filing a written answer to the PLAINTIFFS ORIGINAL PETITION AND FIRST SET OF DISCOVERY at or before ten o'clock A.M. of the Monday next following the expiration of twenty (20) days after the date of service of this citation before the Honorable 335th Judicial District Court of Washington County, Texas at the Courthouse of said County in Brenham, Texas. Said Petition was filed on the 17th day of March, 2020, in this case, numbered 37343 on the docket of said court, and styled,

PATSY CRABTREE, Plaintiff

VS

WAL-MART STORES TEXAS, LLC, Defendant

The nature of Plaintiff's demand is set out and shown by a true and correct copy of PLAINTIFFS ORIGINAL PETITION AND FIRST SET OF DISCOVERY, accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of the law, and the mandates hereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at office this the 18th day of March, 2020.

TAMMY BRAUNER

District Clerk

Washington County, Texas

By

MARISSA DANIELS, Deputy

RETURN OF SERVICE

Cause No. 37343

Court _____

Style of Case _____

Executed when copy is delivered:

This is a true copy of the original citation, was delivered to defendant _____, on the _____ day of
_____, 20_____.
CHIEF DEPUTY SHERIFF

_____, Officer
County, Texas
By: _____ Deputy

ADDRESS FOR SERVICE: _____

OFFICER'S RETURN

Came to hand on the _____ day of _____, _____, at _____ o'clock _____ M. and executed in
_____ County, Texas by delivering to each of the within named defendants in person, a true copy of
this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the
_____, at the following times and places, to-wit:

Name Date/Time Place, Course and Distance from Courthouse

And not executed as to the defendant(s), _____

The diligence used in finding said defendant(s) being:

and the cause or failure to execute this process is:

and the information received as to the whereabouts of said defendant(s) being:

Fee:

Serving Petition and Copy \$ _____
Total \$ _____

_____, Officer
County, Texas
By _____ Deputy
_____, Affiant

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE OR CLERK OF THE COURT

In accordance with Rule 107: The office or authorized person who serves, or attempts to serve, a citation shall sign the return.
The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable or the clerk of the
court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is _____, my date of birth is _____, and my address is
(First, Middle, Last)

(Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in _____ County, State of _____, on the _____ day of _____.

Declarant/Authorized Process Server

(Id # & expiration of certification)

CAUSE NO. 37343

PATSY CRABTREE § IN THE DISTRICT COURT
§
Plaintiff, §
§
v. § WASHINGTON COUNTY, TEXAS
§
WAL-MART STORES TEXAS, LLC §
§
Defendant. § 335TH JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION AND FIRST SET OF DISCOVERY

Plaintiff, Patsy Crabtree, (hereinafter, "Plaintiff"), complains of Defendant, Wal-Mart Stores Texas, LLC, (hereinafter, "Defendant"), and would respectfully show the Court that:

Discovery Control Plan

1. Plaintiff intends to conduct discovery in this matter under Level 3 of the Texas Rules of Civil Procedure.

Jurisdiction and Venue

2. The claims asserted arise under the common law of Texas. This Court has jurisdiction and venue is proper because all or a substantial part of the events or omissions giving rise to the claim occurred in Washington County, Texas.

Statement Regarding Monetary Relief Sought

3. Pursuant to Texas Rule of Civil Procedure 47(c), Plaintiff seeks monetary relief of no more than \$100,000.00, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorneys' fees and judgment for all other relief to which Plaintiff is justly entitled. Plaintiff further pleads that the amount in controversy in this matter does not exceed \$75,000.00.

Parties

4. Plaintiff is an individual residing in Burleson County, Texas.

Filed 3/17/2020 5:22 PM
Tammy Brauner, District Clerk
Washington County, TX
By: Marissa Daniels, Deputy

5. Defendant, Wal-Mart Stores Texas, LLC, Texas (hereinafter "Defendant"), is a Delaware corporation engaged in business in Brazoria County, Texas. Defendant may be served with process by serving its registered agent, CT Corporation System, at 1999 Bryan St., Suite 900, Dallas, Texas 75201.

Facts

6. This lawsuit is necessary as a result of personal injuries that Plaintiff received on or about February 21, 2020. At that time, Plaintiff was an invitee at Defendant's store at 203 US Loop, Hwy 290 E, Brenham, Texas 77833. Plaintiff was walking through the Defendant's store, while pushing her husband in a handicap cart. As Plaintiff was walking towards the exit, she tripped over a broken tile and fell. The trip and fall caused the Plaintiff to suffer severe injuries to her right hip, left hip, left foot, left leg, and other parts of her body. Additionally, the fall caused the Plaintiff to break her hip. There were no warning signs present or any other signs of caution near the area where the incident occurred. Plaintiff was not aware of the dangerous and defective condition.

7. At the time of the incident in question, Plaintiff was an invitee of the Defendant. Defendant knew or should have known of the unreasonably dangerous condition and neither corrected nor warned Plaintiff of it. Plaintiff did not have any knowledge of the dangerous condition and could not have reasonably been expected to discover it. Defendant either created the condition and/or failed to correct the condition or to warn Plaintiff about the dangerous condition, which constituted negligence, and such negligence was a proximate cause of the occurrence in question and Plaintiff's resulting injuries.

8. Plaintiff would show that, based on the above-described facts, Defendant was negligent. Defendant, as occupier and owner of the premises, with control over the premises, had a duty to

inform Plaintiff of the dangerous condition and make safe the defective condition existing on Defendant's premises.

9. Defendant is liable to Plaintiff under the theory of premises liability and negligence based on the following negligent conduct:

- a. Failure to maintain the premises, including floor and walkways, in a reasonably safe condition;
- b. Failure to inspect the premises where the dangerous condition existed;
- c. Failure to correct the condition by taking reasonable measure to safeguard persons who entered the premises;
- d. Failure to inform Plaintiff of the dangerous condition existing on the premises; and
- e. Other acts deemed negligent.

10. Each of the foregoing negligent acts and/or omissions, whether taken singularly or in any combination, was a proximate cause of Plaintiff's injuries and damages that are described below.

11. Defendant was also negligent in that it failed to act as a reasonably prudent premise owner would act in the same or similar situation.

Damages

12. As a result of these acts or omissions, Plaintiff sustained damages recognizable by law.

13. By virtue of the actions and conduct of Defendant as set forth above, Plaintiff was seriously injured and is entitled to recover the following damages:

- a. Past and future medical expenses;
- b. Past and future pain, suffering and mental anguish;
- c. Past and future physical impairment;
- d. Past and future physical disfigurement; and
- e. Past lost wages and future loss of earning capacity.

14. By reason of the above, Plaintiff is entitled to recover damages from Defendant in an amount within the jurisdictional limits of this Court, as well as pre and post-judgment interest.

Request for Disclosures

15. Pursuant to Rule 194, Tex. R. Civ. P., Plaintiff requests that Defendant discloses, within fifty days of this request, the information or materials described in Texas Rule of Civil Procedure 194.2(a)-(l).

Other Discovery

16. Plaintiff refers you to the attached Requests for Admissions, Interrogatories and Requests for Production, and notifies you that a response is required within 50 days of service of these requests.

Rule 193.7 Notice

17. Plaintiff hereby gives actual notice to Defendant that any and all documents produced may be used against Defendant at any pre-trial proceeding and/or at trial of this matter without the necessity of authenticating the documents.

Prayer

Plaintiff prays that this citation issues and be served upon Defendant in a form and manner prescribed by law, requiring that Defendant appears and answers, and that upon final hearing, Plaintiff has judgment against Defendant in a total sum in excess of the minimum jurisdictional limits of this Court, plus pre and post-judgment interest, all costs of Court, and all such other and further relief, to which she may be justly entitled.

[Signature block on next page]

Respectfully submitted,

DASPLIT LAW FIRM, PLLC

/s/ Clement Wehner

Clement Wehner
Texas State Bar No. 24106560
440 Louisiana Street, Suite 1400
Houston, Texas 77002
Telephone: (713) 322-4878
Facsimile: (713) 587-9086
Email: e-service@daspitlaw.com

ATTORNEY FOR PLAINTIFF